



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 22, 1996

Mr. David M. Berman
Nichols, Jackson, Dillard, Hager & Smith
1800 Lincoln Plaza
500 North Akard
Dallas, Texas 75201

OR96-1206

Dear Mr. Berman:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 100529.

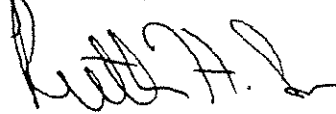
The City of University Park (the "city") received a request for information concerning a police chase and an automobile fatality. You have provided the requestor with the accident report and first page offense report information concerning the incident. *See Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist. 1975], writ ref'd n.r.e. per curiam, 586 S.W.2d 559 (Tex. 1976). However, you assert that an additional document, a two-page narrative concerning the incident, is excepted from disclosure pursuant to section 552.103(a) of the Government Code.

To show that section 552.103(a) is applicable, a governmental body must show that (1) litigation is pending or reasonably anticipated and (2) the information at issue is related to that litigation. *Heard v. Houston Post Co.*, 684 S.W.2d 210, 212 (Tex.App.--Houston [1st Dist.] 1984, writ ref'd n.r.e.); *Open Records Decision No. 551* (1990) at 4. Based on the information provided this office, the city has shown that litigation is reasonably anticipated. *See Open Records Decision No. 452* (1986) at 6 (incident involved "genuine dispute" and serious incident, based on the information provided). Our review of the document at issue shows that it is related to the litigation. Thus, the city may withhold the document from disclosure pursuant to section 552.103(a). We note, though, that the applicability of section 552.103(a) generally ends if the other party to the anticipated litigation obtains the information or when the litigation concludes.

Attorney General Opinion MW-575 (1982) at 2; Open Records Decision Nos. 350 (1982) at 3, 349 (1982) at 2.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', written over a horizontal line.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 100529

Enclosures: Submitted documents

cc: Mr. Steve Gibbins
P. O. Box 1452
Austin, Texas 78767
(w/o enclosures)